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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,376	11/19/2003	Richard C. Fickle	505,807-058	9538
34263	7590	09/01/2005	EXAMINER	
O'MELVENY & MEYERS LLP 610 NEWPORT CENTER DRIVE 17TH FLOOR NEWPORT BEACH, CA 92660			DODDS, HAROLD E	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/718,376

Applicant(s)

FICKLE ET AL.

Examiner

Harold E. Dodds, Jr.

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/1/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings contain hand drawn text and numbers.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg (U.S. Patent No. 6,850,252), Sequeira (U.S. Patent No. 6,222,530), and Roop et al. (U.S. Patent No. 6,216,265).

4. Hoffberg renders obvious independent claim 1 by the following:  
“...receiving metadata...” at col. 133, lines 1-13 and col. 131, lines 65-67.  
“...from a content provider...” at col. 120, lines 7-9.  
“...and associated metadata to a VOD server...” at col. 131, lines 1-13, col. 220, lines 36-38, and col. 220, lines 52-54.  
“...and associated metadata to a server...” at col. 131, lines 1-13 and col. 220, lines 52-54.  
“...and associated metadata to the server...” at col. 131, lines 1-13 and col. 220, lines 52-54.  
“...and providing usage reports relating to usage...” at col. 164, lines 7-12 and col. 129, lines 4-7.  
“...by end users...” at col. 45, lines 38-40.

Hoffberg does not teach the use of multimedia asset data files and the use of multiple service operators.

5. However, Sequeira teaches the use of multimedia asset data files as follows:  
“...associated with a multimedia asset data file...” at col. 1, lines 6-9 and col. 14, lines 51-53.

"...uploading the multimedia asset data file..." at col. 13, lines 49-51, col. 1, lines 3-9, and col. 14, lines 51-53.

"...wherein uploading the multimedia asset data file comprises..." at col. 13, lines 49-51, col. 1, lines 3-9, and col. 14, lines 51-53.

"...scheduling the uploading of the multimedia asset data file..." at col. 2, lines 59-65, col. 13, lines 49-51, col. 1, lines 3-9, and col. 14, lines 51-53.

"...and tracking the uploading of the multimedia asset data file..." at col. 9, lines 18-20, col. 13, lines 49-51, col. 1, lines 3-9, and col. 14, lines 51-53.

"...of multimedia asset data files..." at col. 1, lines 3-9 and col. 14, lines 51-53.

It would have been obvious to one of ordinary skill at the time of the invention to combine Sequeira with Hoffberg to use multimedia asset data files in order to provide a means for the controlling, identifying, and coordinating of multimedia data. Hoffberg and Sequeira have related applications. They teach the use of computers, the use of databases, the use of networks, the use of servers, the use of cable, the use of multimedia, the use of audio, the use of video, the use of content, the use of assets, and the use of reports. Hoffberg provides metadata, content providers, video-on-demand servers, and usage reports and Sequeira provides multimedia asset data files.

Sequeira does not teach the use of multiple service operators.

6. However, Roop teaches the use of multiple service operators as follows:

"...and a multiple systems operator ("MSO")..." at col. 67, lines 62-63.

"...maintained by the MSO..." at col. 71, lines 29-30 and col. 67, lines 62-63.

"...maintained by the MSO..." at col. 71, lines 29-30 and col. 67, lines 62-63.

"...maintained by the MSO..." at col. 71, lines 29-30 and col. 67, lines 62-63.

"...of the MSO..." at col. 67, lines 62-63.

It would have been obvious to one of ordinary skill at the time of the invention to combine Roop with Hoffberg and Sequeira to use multiple systems operators in order to provide cable companies for the controlling and distribution of multimedia data.

Hoffberg, Sequeira, and Roop have related applications. They teach the use of computers, the use of databases, the use of networks, the use of cable, the use of audio, the use of video, and the use of content and Hoffberg and Roop teach the use of satellites. Hoffberg provides metadata, content providers, video-on-demand servers, and usage reports, Sequeira provides multimedia asset data files, and Roop provides multiple systems operators.

7. As per independent claim 20, the "...receiving a plurality of multimedia asset data files..." is taught by Sequeira at col. 21, lines 10-12, col. 1, lines 3-9, and col. 14, lines 51-53,  
the "...from a plurality of content providers..." is taught by Hoffberg at col. 120, lines 7-9,  
the "...receiving metadata..." is taught by Hoffberg at col. 133, lines 1-13 and col. 131, lines 65-67,  
the "...associated with the plurality of multimedia asset data files..." is taught by Sequeira col. 1, lines 3-9 and col. 14, lines 51-53,  
the "...from the plurality of content providers..." is taught by Hoffberg at col. 120, lines 7-9,

the "...and a plurality of MSOs...", is taught by Roop at col. 67, lines 62-63,  
the "...uploading the multimedia asset data files...", is taught by Sequeira at col. 13,  
lines 49-51, col. 1, lines 3-9, and col. 14, lines 51-53,  
the "...to video-on-demand ("VOD") servers...", is taught by Hoffberg col. 220, lines 36-  
38 and col. 220, lines 52-54,  
the "...maintained by the MSOs...", is taught by Roop at col. 71, lines 29-30 and col. 67,  
lines 62-63,  
the "...using an asset URL...", is taught by Sequeira at col. 16, lines 22-26 and col. 18,  
lines 34-38,  
the "...assigned to each multimedia asset data file...", is taught by Sequeira at col. 1,  
lines 3-9 and col. 14, lines 51-53,  
the "...tracking the uploading of the multimedia asset data files...", is taught by Sequeira  
at col. 9, lines 18-20, col. 13, lines 49-51, col. 1, lines 3-9, and col. 14, lines 51-53,  
the "...and providing usage reports relating to usage...", is taught by Hoffberg at col.  
164, lines 7-12 and col. 129, lines 4-7,  
the "...of multimedia asset data files...", is taught by Sequeira at col. 1, lines 3-9 and  
col. 14, lines 51-53,  
the "...by end users...", is taught by Hoffberg at col. 45, lines 38-40,  
and the of the MSOs...", is taught by Roop at col. 67, lines 62-63.

8. As per claim 2, the "...metadata...", is taught by Hoffberg at col. 13, lines  
65-67,

the "...associated with a plurality of multimedia asset data files...", is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,

the "...are received from a plurality of content providers...", is taught by Hoffberg at col. 133, lines 1-13 and col. 120, lines 7-9,

and the "...and a plurality of MSOs...", is taught by Roop at col. 220, lines 34-36.

9. As per claim 3, the "...tracking receipt of the multimedia asset data file...", is taught by Sequeira at col. 9, lines 18-21, col. 9, lines 62-65, col. 1, lines 6-9 and col. 14, lines 51-53,

the "...from the content provider in elements...", is taught by Hoffberg at col. 120, lines 7-9 and col. 142, lines 63-67,

the "...the elements comprising a feature file, a preview file, a graphic file...", is taught by Hoffberg at col. 142, lines 63-67, col. 164, lines 7-12, col. 179, lines 8-10, and col. 208, lines 43-45,

the "...and associated basic metadata...", is taught by Hoffberg at col. 185, lines 49-53 and col. 131, lines 65-67,

the "...wherein the associated basic metadata comprises information on the elements...", is taught by Hoffberg at col. 185, lines 49-53, col. 131, lines 65-67, and col. 142, lines 63-67,

the "...used to confirm delivery of the elements...", is taught by Hoffberg at col. 149, lines 59-62, col. 217, lines 36-38, and col. 142, lines 63-67,

the "...receiving an identification of the MSOs...", is taught by Roop at col. 48, lines 57-59 and col. 61, lines 62-63,



the "...scheduled to receive the multimedia asset data file...", is taught by Sequeira at col. 21, lines 10-12, col. 1, lines 6-9, and col. 14, lines 51-53,  
the "...from the content provider...", is taught by Hoffberg at col. 120, lines 7-9,  
the "...and receiving delivery dates for delivery...", is taught by Hoffberg at col. 133, lines 1-13, col. 217, lines 36-38, and col. 149, lines 59-62,  
the "...of the multimedia asset data file...", is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,  
the "...to each of the MSOs...", is taught by Roop at col. 61, lines 62-63,  
and the "...identified by the content provider...", is taught by Hoffberg at col. 149, lines 9-11 and col. 120, lines 7-9.

10. As per claim 4, the "...uploading step is conducted using a delivery group...", is taught by Roop at col. 75, lines 8-10, col. 72, lines 55-58, and col. 29, lines 16-18,  
the "...the delivery group...", is taught by Roop at col. 72, lines 55-58 and col. 29, lines 16-18,  
and the "...comprising a plurality of multimedia asset data files...", is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53.

11. As per claim 5, the "...registering the multimedia asset data file...", is taught by Sequeira at col. 9, lines 43-46, col. 1, lines 6-9, and col. 14, lines 51-53,  
the "...in order to identify the file...", is taught by Sequeira at col. 14, lines 64-66,  
the "...wherein registering the multimedia asset data file comprises...", is taught by Sequeira at col. 9, lines 43-46, col. 1, lines 6-9, and col. 14, lines 51-53,

the "...assigning a provider identification number to a content provider..." is taught by Hoffberg at col. 55, lines 24-27 and col. 120, lines 7-9,  
the "...and assigning a unique identifier..." is taught by Hoffberg at col. 55, lines 24-27,  
the "...to a multimedia asset data file..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,  
the "...provided by the content provider..." is taught by Hoffberg at col. 120, lines 7-9,  
the "...based upon the provider identification number..." is taught by Hoffberg at col. 120, lines 7-9 and col. 55, lines 24-27,  
the "...and a provider asset identification..." is taught by Hoffberg at 120, lines 7-9, col. 66, lines 15-17, and col. 149, lines 9-11,  
the "...the provider asset identification..." is taught by Hoffberg at 120, lines 7-9, col. 66, lines 15-17, and col. 149, lines 9-11,  
the "...being included with the multimedia asset data file..." is taught by Sequira at col. 1, lined 6-9 and col. 14, lines 51-53,  
and the "...by the content provider..." is taught by Hoffberg at col. 120, lines 7-9.

12. As per claim 6, the "...staging..." is taught by Hoffberg at col. 157, lines 17-18,  
the "...multimedia asset data file..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,  
the "...by entering a name for the multimedia asset data file..." is taught by Sequeira at col. 3, lines 5-6, col. 16, lines 8-10, col. 1, lines 6-9, and col. 14, lines 51-53,  
the "...into a staging directory..." is taught by Hoffberg at col. 158, lines 62-65,

the "...and providing a master XML file..." is taught by Hoffberg at col. 111, lines 52-54,  
the "...for the multimedia asset data file..." is taught by Sequeira at col. 1, lines 6-9 and  
col. 14, lines 51-53,  
the "...master XML file comprising distribution information..." is taught by Hoffberg at  
col. 111, lines 52-54 and col. 179, lines 8-10,  
the "...scheduling information, content information..." is taught by Hoffberg at col. 180,  
lines 4-7 and col. 120, lines 7-9,  
the "...and an identification for the multimedia asset data file..." is taught by Sequeira at  
col. 14, lines 64-66, col. 1, lines 6-9, and col. 14, lines 51-53,  
the "...wherein the content information comprises data to enable retrieval of a plurality  
of elements..." is taught by Hoffberg at col. 120, lines 7-9, col. 180, lines 29-34, and  
col. 142, lines 63-67,  
and the "...to assemble the multimedia asset data file..." is taught by Sequeira at col. 7,  
lines 59-64, col. 1, lines 6-9, and col. 14, lines 51-53.

For claim 6, the terms "information directory" and "construct" are used to suggest  
the terms "staging directory" and "assemble", respectively.

13. As per claim 7, the "...elements..." is taught by Hoffberg at col. 142, lines  
63-67,  
the "...used to assemble the multimedia asset data file..." is taught by Sequeira at col.  
7, lines 59-64, col. 1, lines 6-9, and col. 14, lines 51-53,

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and the "...comprise a movie/feature file, a preview file, and a graphic file..." is taught by Hoffberg at col. 184, lines 1-4, col. 164, lines 7-12, col. 179, lines 8-10, and col. 208, lines 43-45.

14. As per claim 8, the "...multimedia asset data file..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,

the "...comprises a plurality of elements..." is taught by Hoffberg at col. 142, lines 62-67,

the "...and the upload step comprises..." is taught by Hoffberg at col. 65, lines 31-36,

the "...tracking transmission of the elements..." is taught by Hoffberg at col. 73, lines 65-67, col. 74, lines 1-2, col. 64, lines 58-60, and col. 142, lines 63-67,

the "...of the multimedia asset data file..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,

the "...to the MSO..." is taught by Roop at col. 67, lines 62-63,

the "...using a pitcher appliance..." is taught by Hoffberg at col. 64, lines 58-60 and col. 73, lines 1-4,

the "...tracking receipt of the elements..." is taught by Hoffberg at col. 73, lines 65-67, col. 74, lines 1-2, col. 84, lines 16-20, and col. 142, lines 63-67,

the "...of the multimedia asset data file..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,

the "...using a catcher appliance..." is taught by Hoffberg at col. 65, lines 61-65 and col. 73, lines 1-4,

the "...and transmitting an alarm signal to the VOD management system..." is taught by Hoffberg at col. 64, lines 58-60, col. 197, lines 3-6, col. 220, lines 36-38, and col. 214, lines 33-37,

the "...if any elements..." is taught by Hoffberg at col. 142, lines 63-67,

the "...of the multimedia asset data file..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,

and the "...are not successfully received by the catcher appliance..." is taught by Hoffberg at col. 193, lines 34-36, col. 65, lines 61-65, and col. 73, lines 1-4.

For claim 8, the terms "transmission appliance" and "receiving appliance" are used to suggest the terms "pitcher appliance" and "catcher appliance", respectively.

15. As per claim 9, the "...multimedia asset data file..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,

the "...is identified with an asset URL..." is taught by Sequeira at col. 14, lines 64-66, col. 16, lines 22-26, and col. 18, lines 34-38,

the "...and the upload step comprises..." is taught by Hoffberg at col. 65, lines 31-36,

the "...providing the asset URL..." is taught by Sequeira at col. col. 16, lines 22-26 and col. 18, lines 34-38,

the "...to the VOD server..." is taught by Hoffberg at col. 220, lines 36-38 and col. 220, lines 52-54,

the "...providing a schedule to the VOD server..." is taught by Hoffberg at col. 180, lines 4-7, col. 220, lines 36-38, and col. 220, lines 52-54,

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the "...comprising instructions for the VOD server...", is taught by Hoffberg at col. 134, lines 47-51, col. 220, lines 36-38, and col. 220, lines 52-54,

the "...to request the multimedia asset data file...", is taught by Sequeira at col. 6, lines 26-29, col. 1, lines 6-9, and col. 14, lines 51-53,

the "...from a catcher and metadata from the VOD management system...", is taught by Hoffberg at col. 65, lines 61-65, col. 73, lines 1-4, col. 131, lines 65-67, col. 220, lines 36-38, and col. 214, lines 33-37,

the "...and tracking retrieval of the multimedia asset data file...", is taught by Sequeira at col. 9, lines 18-20, col. 6, lines 26-29, col. 1, lines 6-9, and col. 14, lines 51-53,

the "...and associated metadata...", is taught by Hoffberg at col. 131, lines 65-67,

the "...by initiating file transfers is taught by Hoffberg at col. 57, lines 23-27,

and the "...using the asset URL...", is taught by Sequeira at lines 22-26 and col. 18, lines 34-38.

16. As per claim 10, the "...file transfer is a file transfer protocol ("FTP") transfer...", is taught by Roop at col. 9, lines 58-62.

17. As per claim 11, the "...multimedia asset data file...", is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,  
the "...comprises a feature element...", is taught by Hoffberg at col. 164, lines 7-12 and col. 142, lines 63-67,  
the "...identified by a first asset URL...", is taught by Sequeira at col. 14, lines 64-66, col. 16, lines 22-26, and col. 18, lines 34-38,

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the "...preview element..." is taught by Hoffberg at col. 179, lines 8-10 and col. 142, lines 63-67,

the "...identified by a second asset URL..." is taught by Sequeira at col. 14, lines 64-66, col. 16, lines 22-26, and col. 18, lines 34-38,

the "...and a graphic element..." is taught by Hoffberg at col. 208, lines 43-45 and col. 142, lines 63-67,

the "...identified by a third asset URL..." is taught by Sequeira at col. 14, lines 64-66, col. 16, lines 22-26, and col. 18, lines 34-38,

the "...and the upload step comprises..." is taught by Hoffberg at col. 65, lines 31-36,

the "...providing the first, second, and third asset URLs..." is taught by Sequeira at col. 18, lines 8-9, col. 16, lines 22-26, and col. 18, lines 34-38,

the "...to the VOD server..." is taught by Hoffberg at col. 220, lines 36-38 and col. 220, lines 52-54,

the "...submitting the first asset URL..." is taught by Sequeira at col. 18, lines 46-50, col. 16, lines 22-26, and col. 18, lines 34-38,

the "...from the VOD server to a catcher appliance..." is taught by Hoffberg at col. 220, lines 36-38, col. 220, lines 52-54, col. 65, lines 61-65, and col. 73, lines 1-4,

the "...tracking transmission of the feature element..." is taught by Hoffberg at col. 73, lines 65-67, col. 74, lines 1-2, col. 64, lines 58-60, col. 164, lines 7-12, and col. 142, lines 63-67,

the "...from the catcher appliance to the VOD server..." is taught by Hoffberg at col. 65, lines 61-65, col. 73, lines 1-4, col. 220, lines 36-38, and col. 220, lines 52-54,

the "...using the first asset URL...", is taught by Sequeira at col. 16, lines 22-26 and col. 18, lines 34-38,

the "...to retrieve the feature element...", is taught by Hoffberg at col. 180, lines 29-34, col. 164, lines 7-12, and col. 142, lines 63-67,

the "...submitting the second asset URL...", is taught by Sequeira at col. 18, lines 46-50, col. 16, lines 22-26, and col. 18, lines 34-38,

the "...from the VOD server to the catcher appliance...", is taught by Hoffberg at col. 220, lines 36-38, col. 220, lines 52-54, col. 65, lines 61-65, and col. 73, lines 1-4,

the "...tracking transmission of the preview element...", is taught by Hoffberg at col. 73, lines 65-67, col. 74, lines 1-2, col. 64, lines 58-60, col. 179, lines 8-10, and col. 142, lines 63-67,

the "...from the catcher appliance to the VOD server...", is taught by Hoffberg at col. 65, lines 61-65, col. 73, lines 1-4, col. 220, lines 36-38, and col. 220, lines 52-54,

the "...using the second asset URL...", is taught by Sequeira at col. 16, lines 22-26 and col. 18, lines 34-38,

the "...to retrieve the preview element...", is taught by Hoffberg at col. 180, lines 29-34, col. 179, lines 8-10, and col. 142, lines 63-67,

the "...submitting the third asset URL...", is taught by Sequeira at col. 18, lines 46-50, col. 16, lines 22-26, and col. 18, lines 34-38,

the "...from the VOD server to the catcher appliance...", is taught by Hoffberg at col. 220, lines 36-38, col. 220, lines 52-54, col. 65, lines 61-65, and col. 73, lines 1-4,



the "...and tracking transmission of the graphic element..." is taught by Hoffberg at col. 73, lines 65-67, col. 74, lines 1-2, col. 64, lines 58-60, col. 208, lines 43-45, and col. 142, lines 63-67,

the "...from the catcher appliance to the VOD server..." is taught by Hoffberg at col. 65, lines 61-65, col. 73, lines 1-4, col. 220, lines 36-38, and col. 220, lines 52-54,

the "...using the third asset URL..." is taught by Sequeira at col. 16, lines 22-26 and col. 18, lines 34-38,

and the "...to retrieve the graphic element..." is taught by Hoffberg at col. 180, lines 29-34, col. 208, lines 43-45, and col. 142, lines 63-67.

For claim 11, the term "present" is used to suggest the term "provide".

18. As for claim 12, the "...determining whether the feature element..." is taught by Hoffberg at col. 164, lines 7-12 and col. 142, lines 63-67, the "...is properly received by the VOD server..." is taught by Hoffberg at col. 124, lines 54-58, col. 133, lines 1-13, col. 220, lines 36-38, and col. 220, lines 52-54, the "...and transmitting an alarm signal to the VOD management system..." is taught by Hoffberg at col. 64, lines 58-60, col. 197, lines 3-6, col. 220, lines 36-38, and col. 214, lines 33-37, and the "...if the feature element was not properly received..." is taught by Hoffberg at col. 164, lines 7-12, col. 142, lines 63-67, and col. 193, lines 34-36.

19. As per claim 13, the "...determining whether the preview element..." is taught by Hoffberg at col. 179, lines 8-10 and col. 142, lines 63-67,

the "...is properly received by the VOD server...", is taught by Hoffberg at col. 121, lines 54-58, col. 133, lines 1-13, col. 220, lines 36-38, and col. 220, lines 52-54,  
the "...and transmitting an alarm signal to the VOD management system...", is taught by Hoffberg at col. 64, lines 58-60, col. 197, lines 3-6, col. 220, lines 36-38, and col. 214, lines 33-37,  
and the "...if the preview element was not properly received...", is taught by Hoffberg at col. 179, lines 8-10, col. 142, lines 63-67, and col. 193, lines 34-36.

20. As per claim 14, the "...determining whether the graphic element...", is taught by Hoffberg at col. 208, lines 43-45 and col. 142, lines 63-67,  
the "...is properly received by the VOD server...", is taught by Hoffberg at col. 121, lines 54-58, col. 133, lines 1-13, col. 220, lines 36-38, and col. 220, lines 52-54,  
the "...and transmitting an alarm signal to the VOD management system...", is taught by Hoffberg at col. 64, lines 58-60, col. 197, lines 3-6, col. 220, lines 36-38, and col. 214, lines 33-37,  
and the "...if the graphic element was not properly received...", is taught by Hoffberg at col. 208, lines 43-45, col. 142, lines 63-67, and col. 193, lines 34-36.

21. As per claim 15, the "...receiving from the VOD server...", is taught by Hoffberg at col. 133, lines 1-13, col. 220, lines 36-38, and col. 220, lines 52-54,  
the "...at regular intervals...", is taught by Roop at col. 48, lines 63-66,  
the "...data on feature elements requested by end users...", is taught by Hoffberg at col. 164, lines 7-12, col. 142, lines 63-67, col. 43, lines 31-35, and col. 45, lines 38-40,  
the "...of the MSO...", is taught by Roop at col. 67, lines 62-63,

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the "...creating a master reporting database..." is taught by Hoffberg at col. 46, lines 26-29 and col. 129, lines 4-7,

the "...using the data on feature elements requested by end users..." is taught by Hoffberg at col. 164, lines 7-12, col. 142, lines 63-67, col. 43, lines 31-35, and col. 45, lines 38-40,

the "...and generating a usage report..." is taught by Hoffberg at col. 46, lines 30-34, col. 164, lines 7-12, and col. 129, lines 4-7,

and the "...using the data contained in the master reporting database..." is taught by Hoffberg at col. 46, lines 26-29 and col. 129, lines 4-7.

22. As per claim 16, the "...restricting access by content providers..." is taught by Hoffberg at col. 98, lines 57-59 and col. 120, lines 7-9, the "...to the data contained in the master reporting database..." is taught by Hoffberg at col. 46, lines 26-29 and col. 129, lines 4-7, the "...using business rules..." is taught by Hoffberg at col. 68, lines 55-57, and the "...provided by the MSO...." is taught by Roop at col. 33, lines 32-33 and col. 67, lines 62-63.

23. As per claim 17, the "...analyzing the usage report..." is taught by Hoffberg at col. 53, lines 3-6, col. 164, lines 7-12, and col. 129, lines 4-7, the "...to determine end user viewing characteristics..." is taught by Hoffberg at col. 45, lines 38-40 and col. 119, lines 32-35, the "...and generating an advertising play list..." is taught by Hoffberg at col. 46, lines 30-34, col. 42, lines 61-64, and col. 48, lines 42-44,

the "...targeted to an end user..." is taught by Hoffberg at col. 41, lines 10-14 and col. 45, lines 38-40,

the "...based upon the viewing characteristics of the end user..." is taught by Hoffberg at col. 119, lines 32-35 and col. 45, lines 38-40,

the "...wherein the advertising play list comprises advertising..." is taught by Hoffberg at col. 42, lines 61-64 and col. 48, lines 42-44,

and the "...selected based upon the viewing characteristics of the end user..." is taught by Hoffberg at col. 119, lines 32-35 and col. 45, lines 38-40.

24. As per claim 18, the "...supplementing a multimedia asset data file..." is taught by Sequeira at col. 2, lines 30-32, col. 1, lines 6-9, and col. 14, lines 51-53, the "...with data contained in the usage report..." is taught by Hoffberg at col. 164, lines 7-12 and col. 129, lines 4-7, the "...wherein the usage report comprises usage data..." is taught by Hoffberg at col. 164, lines 7-12 and col. 129, lines 4-7, and the "...for the multimedia asset data file..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53.

25. As per claim 19, the "...analyzing the usage report..." is taught by Hoffberg at col. 53, lines 3-6, col. 164, lines 7-12, and col. 129, lines 4-7, the "...to determine end user viewing characteristics..." is taught by Hoffberg at col. 45, lines 38-40 and col. 119, lines 32-35, the "...selecting multimedia asset data files..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,

the "...based upon end user viewing characteristics..." is taught by Hoffberg at col. 45, lines 38-40 and col. 119, lines 32-35,

the "...and performing a campaign management function chosen from the group consisting of bundling..." is taught by Hoffberg at col. 49, lines 60-64, col. 168, lines 60-65, and col. 209, lines 15-19,

the "...selected multimedia asset data files..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,

the "...setting pricing..." is taught by Hoffberg at col. 62, lines 7-9,

the "...for selected multimedia asset data files..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,

the "...and setting promotions..." is taught by Hoffberg at col. 61, lines 48-51,

and the "...for selected multimedia asset data files..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53.

26. As per claim 21, the "...determining that the multimedia asset data files..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53, the "...are successfully received from the content providers by comparing..." is taught by Hoffberg at col. 124, lines 54-58, col. 133, lines 1-13, col. 120, lines 7-9, and col. 45, lines 3-6, the "...received multimedia asset data files..." is taught by Sequeira at col. 21, lines 10-12, col. 1, lines 6-9, and col. 14, lines 51-53, with business rules..." is taught by Hoffberg at col. 68, lines 55-57,

and the "...provided by the MSOs...", is taught by Roop at col. 33, lines 32-33 and col. 67, lines 62-63.

27. As per claim 22, the "...uploading the associated metadata...", is taught by Hoffberg at col. 65, lines 31-36 and col. 131, lines 65-67, the "...for the multimedia asset data files...", is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53, the "...to the VOD servers...", is taught by Hoffberg at col. 220, lines 36-38 and col. 220, lines 52-54, the "...distributing a localized master schedule...", is taught by Hoffberg at col. 49, lines 60-64, col. 191, lines 11-16, and col. 157, lines 9-12, the "...to each MSO...", is taught by Roop at col. 67, lines 62-63, the "...and providing a schedule update...", is taught by Roop at col. 3, lines 15-19, the "...from the VOD management system...", is taught by Hoffberg at col. 220, lines 36-38 and col. 214, lines 33-37, the "...to each MSO...", is taught by Roop at col. 67, lines 62-63, and the "...at regular intervals...", is taught by Roop at col. 48, lines 63-66.

28. As per claim 23, the "...tracking the upload of the multimedia asset data files...", is taught by Sequeira at col. 9, lines 18-20, col. 13, lines 49-51, col. 1, lines 3-9, and col. 14, lines 51-53, the "...to the VOD servers...", is taught by Hoffberg at col. 220, lines 36-38 and col. 220, lines 52-54, the "...by reference to each MSO's...", is taught by Roop at col. 25, lines 7-8,

the "...localized master schedule..." is taught by Hoffberg at col. 191 lines 11-16, and col. 157, lines 9-12,

the "...and tracking the upload of the associated metadata..." is taught by Hoffberg at col. 73, lines 65-67, col. 74, lines 1-2, col. 65, lines 31-36, and col. 131, lines 65-67,

the "...to the VOD servers..." is taught by Hoffberg at col. 220, lines 36-38 and col. 220, lines 52-54,

the "...by reference to each MSO's..." is taught by Roop at col. 25, lines 7-8,

and the "...localized master schedule..." is taught by Hoffberg at col. 191 lines 11-16, and col. 157, lines 9-12.

29. As per claim 24, the "...each schedule update..." is taught by Roop at col. 3, lines 15-19,

the "...comprises instructions for inserting and deleting..." is taught by Hoffberg at col. 134, lines 47-51 and col. 215, lines 24-27,

the "...multimedia asset data files..." is taught by Sequeira at col. 1, lines 6-9 and col. 14, lines 51-53,

the "...from each MSO's..." is taught by Roop at col. 25, lines 7-8,

and the "...localized master schedule..." is taught by Hoffberg at col. 191 lines 11-16, and col. 157, lines 9-12.

### ***Conclusion***

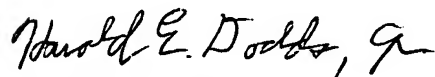
30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is

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(571)-272-4110. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571)-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Harold E. Dodds, Jr.  
Patent Examiner  
August 24, 2005



GRETA ROBINSON  
PRIMARY EXAMINER